

Application No. 10/813 153

Attorney Docket No. SPG6601 PI US

**REMARKS**

Claims 17-20 and 22-28 are pending. Claims 17-20 and 22-28 stand rejected. Claims 18, 19 and 22 are cancelled. Claims 20 and 23-28 have been amended to correct for dependency and for clarity.

Claim 17 has been amended to incorporate the limitation of former claims 18, 19 and 22, now cancelled. Claim 17 has been further amended to state . Support for this amendment is found at p. , lines of the present description.

Accordingly, no new matter is introduced with these amendments.

**Reply to the Rejection of Claims 17 and 18 under 35 U.S.C. § 112, 1<sup>st</sup> Paragraph**

Claims 17 and 18 have been rejected under 35 U.S.C. § 112, first paragraph as lacking enablement. For the following reasons, Applicants respectfully traverse the Examiner's rejection of claims 17 and 18 as lacking enablement.

Claim 17 has been amended to incorporate the limitation of former claim 22. Claim 22 specified the types of skin care compositions, which implies the type of treatment. Claim 17 has also been amended to incorporate the limitations of former claims 18 and 19, thereby providing further definition to the composition. Such compositions are illustrated in the Examples. As all of the Examples in the originally filed disclosure illustrate these types of compositions (*e.g.*, moisturizers, cleansers, toners or firmers, and sunscreens), the disclosure therefore conveys with reasonable clarity to those of ordinary skill in the art that Applicants, as of the filing date, were in possession of the invention as now claimed.

It is believed that these amendments overcome the rejection of claims 17 and 18 under 35 U.S.C. § 112, first paragraph. Withdrawal, therefore, of the rejection of claims 17 and 18 under 35 U.S.C. § 112, first paragraph is respectfully requested.

**Reply to the rejection of claims 17-20 and 22-28 under 35 U.S.C. § 103(a)**

Claims 17-20 and 22-28 are rejected as being unpatentable over the combination of U.S. Patent Nos. 6,010,686 to de la Poterie *et al.* ("de la Poterie"), 5,626,840 to Thomaidis *et al.* ("Thomaidis"), and 6,264,933 to Bodelin *et al.* ("Bodelin"). For the following reasons Applicants respectfully traverse the Examiner's rejection of claims 17-

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20 and 22-28 as being unpatentable over the combination of de la Poterie, Thomaides and Bodelin.

de la Poterie is directed towards cosmetic compositions for application to skin, wherein the composition includes an aqueous dispersion of film-forming polymer particles (Abstract). Useful film-forming polymers include synthetic polymers of the polycondensate or radical type, polymers of natural origin, and mixtures thereof (col. 2, lines 30-39). De la Poterie does not teach or suggest neutralized or solubilized polyurethanes. Further, de la Poterie does not teach or suggest the second polymer of the present composition (compositions comprising only the polyurethane are exemplified). Finally, de la Poterie does not teach methods for treating skin for moisturizing, firming and/or UV protection with compositions as presently claimed.

Thomaides is directed towards polyurethanes with carboxylate functionality for use as hair fixatives (*e.g.*, hairsprays) (Abstract). The polyurethane of Thomaides is soluble or dispersible in water, is prepared from an organic diisocyanate, a diol, and a 2,2-hydroxymethyl-substituted carboxylic acid, and is neutralized with a cosmetically acceptable organic or inorganic base and formulated into a hair fixative composition containing low amounts of volatile organic solvent (Abstract). Thomaides does not teach the use of its polyurethanes in skin care compositions. As noted by the Examiner, Thomaides, like de la Poterie, does not teach or suggest the second polymer. Therefore, the combination of Thomaides and de la Poterie still is lacking in (1) the disclosure of the second polymer and (2) methods for treating skin for moisturizing, firming and/or UV protection with compositions as presently claimed.

Bodelin teaches cosmetic compositions for keratin fibers (hair - mascara for eyelashes; col. 2, lines 1-12) formed from at least one lamellar filler and an aqueous phase dispersed in a liquid fatty phase containing at least one volatile organic solvent (Abstract). The aqueous phase contains a polymer system comprising at least one film-forming polymer dispersed in the aqueous phase in the form of solid particles (Abstract; col. 1, lines 55-63; col. 2, lines 18-21). Like de la Poterie, the film-forming of Bodelin is chosen from polycondensates (*e.g.*, anionic polyurethanes; col. 2, lines 34-35), radical-generated polymers, and polymers of natural origin (col. 2, lines 22-25). Bodelin teaches that its compositions can also include an additional water-soluble film-forming polymer

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such as polyacrylates and polymethacrylates (col. 4, lines 30-49). Still, Bodelin does not teach or suggest methods for treating skin for moisturizing, firming and/or UV protection with compositions as presently claimed.

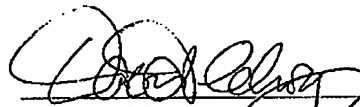
As de la Poterie, Thomaides and Bodelin, alone or in combination, do not teach or suggest a method of treating skin according to the presently claimed invention, those references cannot be said to render claims 17-20 and 22-28 unpatentable. Withdrawal, therefore, of the rejection of claims 17-20 and 22-28 under 35 § U.S.C. 103(a) is respectfully requested.

It is believed that the above amendments and remarks overcome the Examiner's rejections of the claims. Withdrawal of those rejections is respectfully requested. Allowance of the claims is believed to be in order, and such allowance is respectfully requested.

Respectfully submitted,

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